

Remarks

Examiner Tran is thanked for the thorough Office Action.

In the Claims

Claim 8 has been canceled with its limitation incorporated into amended independent claim 1. Claims 1, 16 and 29 have been (further) amended to include the limitation that substantially all of the first polysilicon layer is removed.

Claims 42 to 44 are new and have been added to better encompass the full scope and breadth of the invention notwithstanding the patentability of the original claims. Claims 42 to 44 depend from independent claims 1, 16 and 29, respectively.

Claim Objections

The Objection to Claims 1, 16 and 29 Because of the Following Informalities: On Line 5 Of Claims 1 And 16; and On Line 8 Of Claims 16 And 29; The Phrase "*from over*" (Emphasis Added) Appears To Be A Typo Error For "*form over*"

The objection to claims 1, 16 and 29 because of the following informalities: on line 5 of claims 1 and 16: and on line 8 of claims 16 and 29; the phrase

“*from over*” (emphasis added) appears to be a typo error for “*form over*” is acknowledged.

Applicants respectfully disagree that “*from over*” should be “*form over*” as suggested by the Examiner. At each instance cited by the Examiner the reference is not to *under* the specified layer, e.g., but *over* the specified layer and therefore the use of “*from over*” is accurate and correct.

Claim Rejections

The Rejection Of Claims 1, 11 And 15 Under 35 U.S.C. §102(e) As Anticipated By Kim et al. (U.S. Pat. No. 6,551,913 B1)

The rejection of claims 1, 11 and 15 under 35 U.S.C. §102(e) as anticipated by Kim et al. (U.S. Pat. No. 6,551,913 B1) (the '913 Kim Patent) is acknowledged.

The Rejection Of Claims 2 To 7 Under 35 U.S.C. §103(a) as Being Unpatentable Over Kim et al. (U.S. Pat. No. 6,551,913 B1) In View Of Bassous et al. (U.S. Pat. No. 4,113,551)

The rejection of claims 2 to 7 under 35 U.S.C. §103(a) as being unpatentable over Kim et al. (U.S. Pat. No. 6,551,913 B1) (the '913 Kim Patent) in view of Bassous et al. (U.S. Pat. No. 4,113,551) (the '551 Bassous Patent) is acknowledged.

The Rejection Of Claims 8 To 14 Under 35 U.S.C. §103(a) as Being Unpatentable Over Kim et al. (U.S. Pat. No. 6,551,913 B1) In View Of Chien et al. (U.S. Pat. No. 5,328,867)

The rejection of claims 8 to 14 under 35 U.S.C. §103(a) as being unpatentable over Kim et al. (U.S. Pat. No. 6,551,913 B1) (the '913 Kim Patent) in view of Chien et al. (U.S. Pat. No. 5,328,867) (the '867 Chien Patent) is acknowledged.

The Rejection Of Claims 16 To 41 Under 35 U.S.C. §103(a) as Being Unpatentable Over Kim et al. (U.S. Pat. No. 6,551,913 B1) And Bassous et al. (U.S. Pat. No. 4,113,551) In View Of Chien et al. (U.S. Pat. No. 5,328,867)

The rejection of claims 16 to 41 under 35 U.S.C. §103(a) as being unpatentable over Kim et al. (U.S. Pat. No. 6,551,913 B1) (the '913 Kim Patent) and Bassous et al. (U.S. Pat. No. 4,113,551) (the '551 Bassous Patent) in view of Chien et al. (U.S. Pat. No. 5,328,867) (the '867 Chien Patent) is acknowledged.

Applicants' wish to briefly point up the claimed features of their invention which are believed to be not shown nor obvious from the teachings of known references in this field. Independent claims 1, 16 and 29 all clearly define, inter alia:

“...forming a first polysilicon layer upon the non-silicon (claim 1)/silicon oxide (claims 16 and 29) layer;

removing substantially all of the first polysilicon layer from over the non-silicon (claim 1)/silicon oxide (claims 16 and 29) layer to expose the non-silicon (claim 1)/silicon oxide (claim 16) layer; and

forming a second polysilicon layer over the exposed non-silicon (claim 1)/[rinsed (claim 29)] silicon oxide (claims 16 and 29) layer...”

None of the cited references either alone, or in the combination cited by the Examiner disclose these limitations.

Therefore, claims 1, 11 and 15 distinguish over the '913 Kim Patent under §102(e).

Claims 2 to 7 distinguish over Kim in view of the '551 Bassous Patent under §103(a) for the above reasoning and further because the prior art lack a suggestion that the reference should be modified in a manner required to meet the claims; the Examiner has made a strained interpretation of the reference that could be made only be hindsight; the Examiner has not presented a convincing line of reasoning as to why the claimed subject matter as a whole, including its differences over the prior art, would have been obvious; and the prior art references do not contain any suggestions (express or implied) that they be combined in the manner suggested by the Examiner.

Claims 8 to 14 distinguish over Kim in view of the '867 Chien Patent under §103(a) for the above reasoning and further because the prior art lack a

suggestion that the reference should be modified in a manner required to meet the claims; the Examiner has made a strained interpretation of the reference that could be made only by hindsight; the Examiner has not presented a convincing line of reasoning as to why the claimed subject matter as a whole, including its differences over the prior art, would have been obvious; and the prior art references do not contain any suggestions (express or implied) that they be combined in the manner suggested by the Examiner.

Independent claims 16 and 29 distinguish over Kim and Bassous in view of the '867 Chien Patent under §103(a) for the above reasoning and further because the prior art lack a suggestion that the reference should be modified in a manner required to meet the claims; the Examiner has made a strained interpretation of the reference that could be made only by hindsight; the Examiner has not presented a convincing line of reasoning as to why the claimed subject matter as a whole, including its differences over the prior art, would have been obvious; and the prior art references do not contain any suggestions (express or implied) that they be combined in the manner suggested by the Examiner.

Claim 42 depends from independent claim 1; claims 17 to 28 and 43 depend from independent claim 16; and claims 30 to 41 and 44 depend from independent claim 29; and are believed to distinguish over the combination for the reasons previously cited.

Therefore claims 1 to 44 are submitted to be allowable over the cited references and reconsideration and allowance are respectfully solicited.

CONCLUSION

In conclusion, reconsideration and withdrawal of the rejections are respectively requested. Allowance of all claims is requested. Issuance of the application is requested.

It is requested that the Examiner telephone Stephen G. Stanton, Esq. (#35,690) at (610) 296 – 5194 or the undersigned attorney /George Saile, Esq. (#19,572) at (845) 452 – 5863 if the Examiner has any questions or issues that may be resolved to expedite prosecution and place this Application in condition for Allowance.

Respectively submitted,

A handwritten signature in black ink, appearing to be 'SBA', is written over a horizontal line.

Stephen B. Ackerman

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